

152 AF

TRANSMITTAL OF APPEAL BRIEF (Large Entity)

Docket No.
ITL.0248US

In Re Application Of: **James P. Ketrenos, et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/466,113	December 17, 1999	Adnan M. Mirza	47795	2145	9791

Invention: **Distributed File System Including Multicase Retrieval**

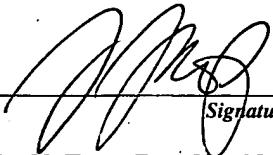
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Transmitted herewith is the Appeal Brief in this application, with respect to the Notice of Appeal filed on:
July 30, 2008

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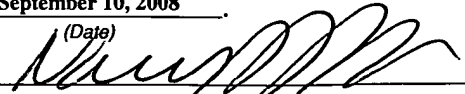
Signature

Dated: **September 10, 2008**

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Nancy Meshkoff

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Applicant:

James P. Ketrenos, et al.

Serial No.: 09/466,113

Filed: December 17, 1999

For: Distributed File System
Including Multicast Retrieval

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Art Unit: 2145

Examiner: Adnan Mirza

Atty Docket: ITL.0248US
P7373

Assignee: Intel Corporation

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APPEAL BRIEF

Adjustment date: 09/12/2008 CCHAU1
04/10/2003 SBLIZZAR 00000001 09466113
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09/12/2008 CCHAU1 00000055 09466113
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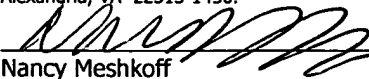

Nancy Meshkoff

TABLE OF CONTENTS

REAL PARTY IN INTEREST	3
RELATED APPEALS AND INTERFERENCES.....	4
STATUS OF CLAIMS	5
STATUS OF AMENDMENTS	6
SUMMARY OF CLAIMED SUBJECT MATTER	7
GROUND OF REJECTION TO BE REVIEWED ON APPEAL	9
ARGUMENT	10
CLAIMS APPENDIX.....	12
EVIDENCE APPENDIX.....	16
RELATED PROCEEDINGS APPENDIX	17

REAL PARTY IN INTEREST

The real party in interest is the assignee Intel Corporation.

RELATED APPEALS AND INTERFERENCES

None.

STATUS OF CLAIMS

Claims 1-24 (Rejected).

Claims 1-24 are rejected and are the subject of this Appeal Brief.

STATUS OF AMENDMENTS

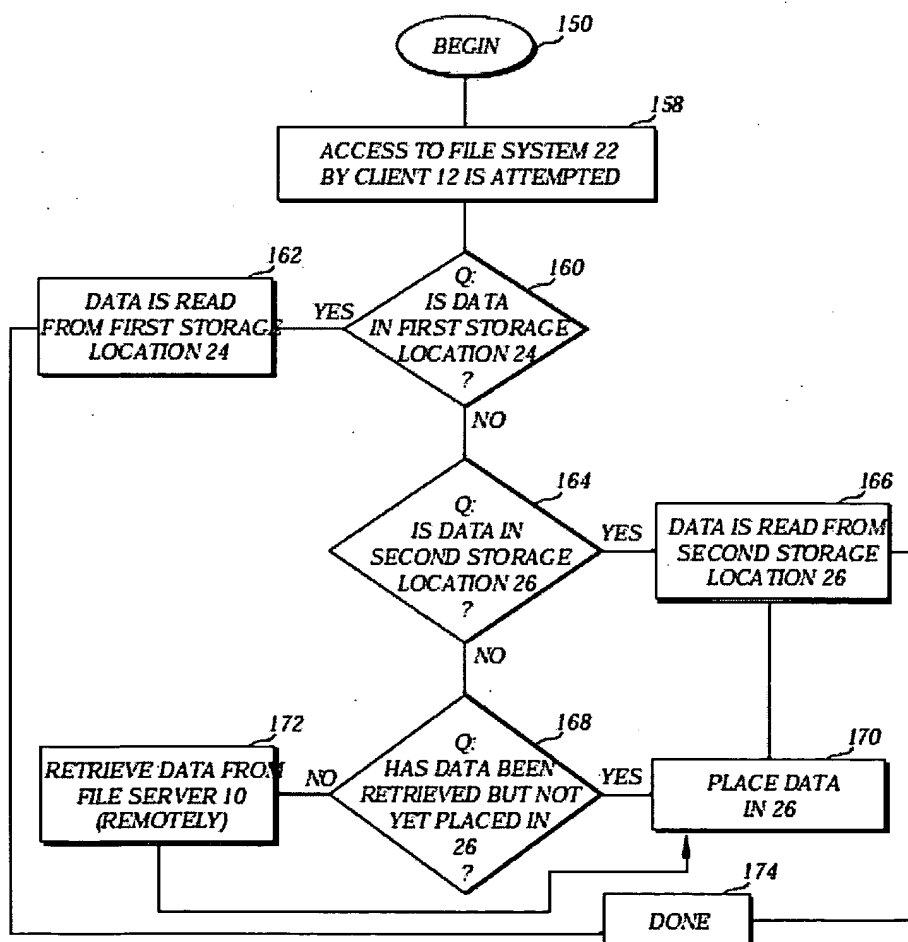
No amendments were made in the Reply to Final Rejection submitted on May 20, 2008.
All amendments have therefore been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

In the following discussion, the independent claims are read on one of many possible embodiments without limiting the claims:

1. A method comprising:
receiving a request for a portion of a file system by a client (Fig. 5, 158) (Spec. at p. 15, lines 11-15);
identifying whether the portion is stored in a first location associated with portions of the file system that have been previously stored by the client (Fig. 5, 160) (Spec. at p. 15, lines 20-22); and
if not, determining whether the portion is stored in a second location associated with portions of the file system that were streamed to the client by a server (Fig. 5, 164) (Spec. at p.15, 22-24).

FIGURE 5



8. A system including:
a processor (Fig. 1, 12);
a storage medium (Fig. 1, 16) including a software program that, upon execution:
scans a first location associated with portions of a file system that have been previously stored by the system (Fig. 5, 160) (Spec. at p. 15, lines 20-22); and
scans a second location associated with portions of the file system that have been streamed to the system by a server (Fig. 5, 164) (Spec. at p. 15, lines 22-24).
17. An article comprising a medium storing instructions that cause a processor-based system to:
receive a request for a portion of a file system by the processor-based system (Fig. 5, 158) (Spec. at p. 15, lines 11-15);
identify whether the portion is stored in a first location associated with portions of the file system that have been previously stored by the processor-based system (Fig. 5, 160) (Spec. at p. 15, lines 20-22); and
if not, determine whether the portion is stored in a second location associated with portions of the file system that were streamed to the processor-based system (Fig. 5, 164) (Spec. at p. 15, 22-24).

At this point, no issue has been raised that would suggest that the words in the claims have any meaning other than their ordinary meanings. Nothing in this section should be taken as an indication that any claim term has a meaning other than its ordinary meaning.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

- A. Whether claims 1-24 are unpatentable under 35 U.S.C. § 103(a) over Eagle (US 6,513,048) and further in view of Domenikos (US5,838,916).

ARGUMENT

A. Whether claims 1-24 are unpatentable under 35 U.S.C. § 103(a) over Eagle (US 6,513,048) and further in view of Domenikos (US5,838,916).

This case has been appealed twice and has been successfully pre-appeal reviewed twice. Nonetheless, the office action still seems to omit any reference to the argument that no cited reference teaches any special provisions for handling portions of a file system that were streamed to the client by a server.

While the claim is more specific than that, even this most general category is not addressed, despite the extensive history of this application's prosecution.

Now, the statement is made that:

Domenikos also discloses application information file contains information necessary for running the remote application on the client. For example, the application information can include the executable files (i.e., EXE files), initialization files (i.e., INI files), system files (i.e., SYS files), directory structure information, and any other information or configuration of parameters that will identify the proper environment, for running the application. A process operating on the client, appropriately configures the operating environment to allow proper execution of the application program (column 9, lines 61-67).

The final rejection at pages 5 and 6.

The problem with this is that it has nothing to do with handling streaming file system portions. If the suggestion is that it is reasonable to accommodate for any situation that might occur, it can only be noted that the general, and even the extremely general, cannot possibly teach the specific. Here, there is no teaching of distinguishing between portions of the file system that were streamed and other portions of the file system. There is nothing that even discusses the fact that some portions of a file system might be streamed.

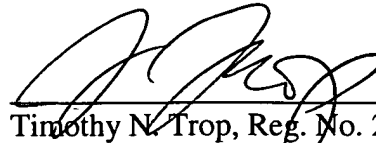
The cited references are so remote that the maintenance of the rejection should be reversed.

* * *

Applicant respectfully requests that each of the final rejections be reversed and that the claims subject to this Appeal be allowed to issue.

Respectfully submitted,

Date: September 10, 2008



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CLAIMS APPENDIX

The claims on appeal are:

1. A method comprising:
receiving a request for a portion of a file system by a client;
identifying whether the portion is stored in a first location associated with portions of the file system that have been previously stored by the client; and
if not, determining whether the portion is stored in a second location associated with portions of the file system that were streamed to the client by a server.
2. The method of claim 1, further comprising retrieving the portion from the server if not stored in the second location.
3. The method of claim 1, wherein identifying further comprises associating portions of the file system used by the client during start-up with the first location.
4. The method of claim 1, wherein determining further comprises associating the second location with portions of the file system that were streamed to the client using a multicast operation.
5. The method of claim 3, wherein associating further comprises:
monitoring accesses to a plurality of portions of the file system during start-up;
retrieving the plurality of portions from the file system; and
storing the plurality of portions in the first location.
6. The method of claim 4, wherein associating further comprises:
retrieving a plurality of portions from the file system using multicasting; and
storing the plurality of portions in the second location.

7. The method of claim 1, further comprising waiting for the portion to be streamed to the client if not stored in the second location.

8. A system including:
a processor;
a storage medium including a software program that, upon execution:
scans a first location associated with portions of a file system that have been previously stored by the system; and
scans a second location associated with portions of the file system that have been streamed to the system by a server.

9. The system of claim 8, wherein the first location is a non-volatile storage medium.

10. The system of claim 9, wherein the non-volatile storage medium is a flash memory device.

11. The system of claim 8, wherein the second location is a volatile storage medium.

12. The system of claim 11, wherein the volatile storage medium is a memory device.

13. The system of claim 9, wherein the first location comprises portions of the file system used by the client at start-up.

14. The system of claim 9, wherein the second location comprises portions of the file system retrieved using a multicast operation.

15. The system of claim 9, wherein the software program, upon execution, retrieves the portion from the server if not stored in the second location.

16. The system of claim 14, wherein the contents of the second location are procured as a background operation.

17. An article comprising a medium storing instructions that cause a processor-based system to:

receive a request for a portion of a file system by the processor-based system;
identify whether the portion is stored in a first location associated with portions of the file system that have been previously stored by the processor-based system; and
if not, determine whether the portion is stored in a second location associated with portions of the file system that were streamed to the processor-based system.

18. The article of claim 17, wherein the medium storing instructions is a flash memory device.

19. The article of claim 17, further storing instructions that cause the processor-based system to retrieve the portion from a server if not stored in the second location.

20. The article of claim 17, further storing instructions that cause the processor-based system to determine whether the portion is stored in a second location associated with portions of the file system that were streamed to the processor-based system by a server using a multicast operation.

21. The article of claim 20, further storing instructions that cause the processor-based system to wait for the portion to be stored in the second location by the multicast operation.

22. The article of claim 17, further storing instructions that cause the processor-based system to determine the contents of the first location by monitoring access of the file system during a predetermined time period.

23. The article of claim 22, wherein the instructions that cause the processor-based system to determine the contents of the first location by monitoring access of the file system during a predetermined time period are executed once.

24. The article of claim 17, further storing instructions that cause the processor-based system to:

determine whether the portion will be stored in the second location within an allotted time period; and

retrieve the portion from a server if not stored in the second location within the allotted time period.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.